

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TERRY CICIO,

Plaintiff,

-v.-

Civil Action No.  
9:08-cv-431 (GLS/DEP)

R. LAMORA, R. SCOTT, R. MACWILLIAMS,  
K. CROSSETT, E. FACTEAU, C.O. DEMERS,  
R. WOODS, R. GILL,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

TERRY CICIO  
Plaintiff, *Pro Se*  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953

**FOR THE DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
The Capitol  
Albany, New York 12224

C. HARRIS DAGUE, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed February 24, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

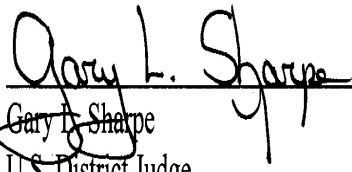
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed February 24, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that defendants' motion for summary judgment (Dkt. No. 35) is GRANTED to the extent that plaintiff's claims against defendants in their official capacities and those against defendant Woods is DISMISSED but the defendants' motion otherwise is DENIED, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: March 22, 2010  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge